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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 490/2016 & IAs No.1031/2020 (for placing documents on record) & 11834/2016 (u/O XXXVIII R-5&6 CPC)

DR SANJIV SETHI Plaintiff

Through: Mr. Abhay Raj Varm, Adv. with Ms. Priyanka Ghosh, Adv.

Versus

N & N CHOPRA CONSULTANTS PVT LTD & ORSDefendants

Through: Mr. Sagar Chawla, Adv. with Mr. Ramanjit Singh, Adv. for defendants/Natasha Chopra, Harvinder S. Anand and Ankur Sood.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **17.02.2020**

1. In pursuance of order dated 17th January, 2020, though the parties are present but it appears that no settlement is possible.

2. The following issues are framed in the suit, including the issue No.1 framed on 17th January, 2020:

- (i) Whether the plaintiff performed his duties of employment till 6th September, 2013 and is entitled to salary of Rs.3,00,000/- per month for the month of August, 2013 and six days of September, 2013? OPP
- (ii) Whether the plaintiff, as per his employment contract with the defendant no.1, is entitled to recover from the defendant no.1 variable pay, for the period from 12th November, 2012 till 6th

September, 2013 as well as for notice period, and if so, in what amount? OPP

- (iii) Whether the plaintiff is entitled to a fixed salary for six months after 6th September, 2013? OPP
- (iv) Whether the plaintiff was illegally confined by the defendants no.2 and 3 and is entitled to any damages therefor and if so, in what amount? OPP
- (v) Whether the plaintiff was defamed by the defendants and if so, whether the claim therefor is within time and whether the plaintiff is entitled to any damages therefor and if so, in what amount? OPP
- (vi) Whether the plaintiff has violated any of the terms of the employment contract and if so, whether the plaintiff is not entitled to any amount for the said reason? OPD
- (vii) If the plaintiff is found entitled to any monies, whether the plaintiff is entitled to interest thereon and if so, at what rate and for what period? OPP
- (viii) Relief.

3. It is made clear that under issue No.(ii) framed hereinabove, the defendants would also be required to lead evidence on the quantum, if any due to the plaintiff towards variable component, to avoid passing of any decree for accounts after final trial.

4. No other issue arises or is pressed.

5. The parties to file their list of witnesses within 15 days.

6. Plaintiff to file the affidavit by way of examination-in-chief within six weeks.
7. Option given of having evidence recorded on commission has been declined.
8. List before the Joint Registrar, for scheduling the dates of trial, on 16th April, 2020.
9. The plaintiff, subject to objections as to admissibility, proof and relevance of the documents said to be filed, has no objection to the defendant filing additional documents.
10. The parties are also referred to mediation and to appear before the Mediation Cell on 26th February, 2020 at 1430 hours. However, pendency of mediation to not come in the way of the aforesaid schedule being abided by.
11. IA No.1031/2020 of the defendants for placing documents on record is allowed and disposed of.
12. IA No.11834/2016 under Order XXXVIII Rules 5 & 6 CPC is disposed of with liberty to apply again, if any need arises.

RAJIV SAHAI ENDLAW, J

FEBRUARY 17, 2020

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